

Remarks

Claims 1-28 are pending in the application, and stand rejected.

Claim 1 was rejected under 35 USC 102(b) as being anticipated by Tayloe et al. ("Tayloe") (US 6,192,240 B1). Although not explicitly identified along with claim 1 in the sentence rejecting claim 1 under 35 USC 102(b), claims 2, 3, 17, 21 and 25-28 are also referred to in the Office Action in connection with Tayloe. See item 3 of the Office Action, first three lines. Therefore, for purposes of responsiveness, it is assumed that claims 1-3, 17, 21 and 25-28 have been rejected under 35 USC 102(b) as being anticipated by Tayloe.

The Applicant respectfully traverses. Tayloe does not anticipate the rejected claims for at least the reason that Tayloe does not disclose "data comprising a plurality of predetermined prediction points indicating a fixed structure capable of presenting an interference to a communication in progress" as recited in independent claims 1, 21, 25, 26 and 28.

The noted feature is described in the present specification at, for example, page 9, lines 9-13, where it is described how "historical data could be created ... recording drop-off zones." Geographical data and topographical data describing fixed structures such as building, tunnels, hills, valleys and the like that may create drop-off zones may be created (see page 9, lines 13-15 and lines 24-25). FIG. 1B shows examples of prediction points (43A and 43B) indicating such fixed structures, and page 7, lines 25-27 describes how such fixed structures may "prevent a portion of the signal" from reaching a given area.

Tayloe is silent as to prediction points as claimed. In Tayloe, a subscriber unit requests its position information from a satellite in order to determine to which cell it is going to handoff. The subscriber unit then determines whether the cell is a "dead cell" (because the cell is overloaded, out-of-service or out of radio contact). If the cell is a dead cell, the subscriber unit determines how much time to an outage. If the cell is not a dead cell, the subscriber continues to check for which cell it will handoff to. See Tayloe, col. 3, lines 43-62. Also, Tayloe states that "satellite 20 may provide subscriber unit 30 with a list of upcoming candidate cells that are currently out-of-service" (col. 3, lines 37-39).

In view of the above, Tayloe does not disclose predetermined prediction points indicating a fixed structure capable of presenting an interference to a communication in progress, as claimed. A prediction point relative to a dead cell as in Tayloe cannot be predetermined, since cells may go in and out of service over time. Moreover, the cells do not present an interference as required by the present claims. Instead, a dead cell as in Tayloe simply represents a temporary failure of a network component to continue a connection.

Claims 1, 21, 25, 26 and 28 are therefore allowable over Tayloe. Moreover, dependent claims 2, 3, 17 and 27 are likewise allowable over Tayloe for at least the reason that they include the features of one of the independent claims by dependency thereon. Withdrawal of the rejection of claims 1-3, 17, 21 and 25-28 as being anticipated by Tayloe is therefore respectfully requested.

Claims 10-16 and 18-24 were rejected under 35 USC 103(a) as being unpatentable over Tayloe in view of Amin et al. (US 5,995,830) ("Amin"). The Applicant respectfully traverses. Each of claims 10-16 and 18-24 depends on one of claims 1 or 21. Claims 1 and 21 are allowable over Tayloe as discussed above. Amin does not remedy deficiencies in Tayloe, for at least the reason that Amin also fails to suggest "data comprising a plurality of predetermined prediction points indicating a fixed structure capable of presenting an interference to a communication in progress," as recited in claims 1 and 21. Claims 1 and 21 are therefore allowable over the combination of Tayloe and Amin. Consequently, claims 10-16 and 18-24 are likewise allowable over Tayloe and Amin for at least the reason that they include the features of one of claims 1 or 21 by dependency thereon. Withdrawal of the rejection of claims 10-16 and 18-24 as being unpatentable over Tayloe and Amin is therefore respectfully requested.

Claims 4 and 5 were rejected under 35 USC 103(a) as being unpatentable over Tayloe in view of Bartle et al. (US 6,018,655) ("Bartle"). Along lines discussed above, claims 4 and 5 depend on claim 1, which is allowable over Tayloe. Bartle, like Tayloe, is silent regarding "data comprising a plurality of

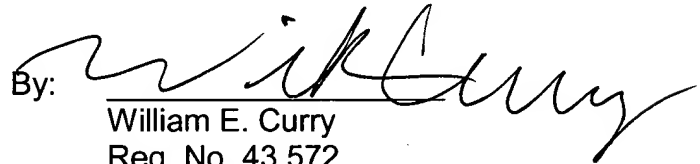
predetermined prediction points indicating a fixed structure capable of presenting an interference to a communication in progress," and therefore claim 1 is also allowable over the combination of Tayloe and Bartle. Accordingly, claims 4 and 5 are likewise allowable over Tayloe and Bartle for at least the reason that they include the features of claim 1 by dependency thereon. Withdrawal of the rejection of claims 4 and 5 as being unpatentable over Tayloe and Bartle is therefore respectfully requested.

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: MAR. 25, 2005

By: 
William E. Curry
Reg. No. 43,572

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201